IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1785 OF 2006

IN

APPEAL (L) NO.1379 OF 2005

...

Shri Ashok S. Khaire ...Appellant

v/s.

M/s.Bombay Hospital Trust ...Respondent

...

Mr.M.D.Nagle for the Appellant.

Mr.C.U.Singh i/b Sanjay Udeshi & Co. for the Respondent.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

By consent of parties, motion is granted in terms of prayer clause (a).

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL (L) NO.1379 OF 2005

IN

WRIT PETITION NO.2634 OF 2005

...

Shri Ashok S. Khaire ...Appellant

v/s.

M/s.Bombay Hospital Trust ...Respondent

...

Mr.M.D.Nagle for the Appellant.

Mr.C.U.Singh i/b Sanjay Udeshi & Co. for the Respondent.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

1. Heard the learned Counsel for the Appellant, who was the Petitioner. The Labour court and the learned single Judge have found that the enquiry was fair and proper and that the findings of the Enquiry Officer were not perverse. The charge against the Petitioner was of theft. It was submitted that the inquiry was not proper because the patient whose money was alleged to have been stolen by the Petitioner was not examined by the employer. The learned single Judge has considered that aspect of the matter and has held that in every case the victim's examination is not necessary, when there is evidence on record to establish the guilt. No fault can be found with the enquiry though the victim was not available for the examination. Considering the misconduct that is alleged and the finding of the Labour court and the learned single Judge, we do not see any reason to interfere with the order impugned. Appeal disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)